

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR
APPROVAL OF A PROJECT UNDER CHAPTER 121A
OF THE GENERAL LAWS OF THE COMMONWEALTH
OF MASSACHUSETTS AND CHAPTER 652 OF THE
ACTS OF 1960 AND FOR CONSENT TO THE FORMATION
OF A LIMITED PARTNERSHIP TO BE ORGANIZED UNDER
THE PROVISIONS OF SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:45 p.m. on March 1, 1973, in Room 921, 1 City Hall Square, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority") on the Application dated January 31, 1973, of Chauncy House Company, a Massachusetts General Partnership organized under Chapter 109 of the General Laws and the General Partners thereof: Walter K. Winchester and John R. Gallagher III, (hereinafter referred to as the "Applicants") pursuant to the provisions of the Massachusetts General Laws (Ter.Ed.) Chapter 121A, as heretofore amended ("Chapter 121A"), and the Rules and Regulations of the Authority, for authorization and approval of a Project to be constructed, operated and maintained in accordance with the provisions of Chapter 121A, Chapter 652 and the Application and for the consent by the Authority to the formation of a Limited Partnership under the name Chauncy House Company ("Redeveloper" or "Limited Partnership") to be qualified by the Applicants under Chapter 121A for the purpose of undertaking and carrying out the Project. Due notice of said hearing was given previously by publication on February 14, 1973, and February 20, 1973, in THE BOSTON HERALD AMERICAN, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the BOSTON REDEVELOPMENT AUTHORITY RULES AND REGULATIONS FOR SECURING APPROVAL OF PROJECTS IN BOSTON UNDER CHAPTER 121A OF THE GENERAL LAWS AS AMENDED and in accordance with the provisions of Section 13 of said Chapter 652.

The following members of the Authority were present during the hearing:

Paul J. Burns
James G. Colbert
Joseph J. Walsh

B. The Project. The Project consists of the purchase by the Applicant of a Project Area and the rehabilitation, operation, and maintenance of the Project Area by the Limited Partnership of a multi-story, fireproof masonry apartment building containing approximately 87 apartment units consisting of approximately 22 efficiency apartment units and approximately 65 one-bedroom apartment units of low and moderate income housing to be developed under Section 236 program of the Federal Housing Administration. No off-street parking facilities for the building and its tenants are contemplated at this time. The Project Area consists of an 11-story masonry building located off of Chauncy and Essex Streets, Boston, as shown on a "Plot plan of land in Boston, Mass." by R. E. Cameron and Associates, Inc. dated March 15, 1972, and attached to the Application as Exhibit A-1. The Project is expected to be purchased by the Applicant within six months of Authority approval of the Project.

C. Authority Action. Before making the findings and determinations hereinbelow set forth and approving the Application, the Authority has considered the Application itself, all documents, plans, exhibits and addenda filed with it or referred to in it, the model of the Project displayed at the hearing, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The findings and determinations are:

The Project Area is a decadent area which cannot be developed soundly through the ordinary operations of private enterprise. The completion of the

Project will replace the present decadent conditions of the Project Area with new low and moderate income housing and will provide the City of Boston with considerable tax revenue. The present structure is out of repair, physically deteriorated and in need of major maintenance and repairs. Therefore, it is found that the Project Area is a "Decadent Area" within the definition contained in Section 1 of Chapter 121A in that the area is detrimental to the safety, health, morals, welfare, or sound growth of the community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise without the assistance of said Chapter 121A.

2. Area Constitutes a Project. The Project as described in the Application constitutes a "Project" within the meaning of said Chapter 121A in that it undertakes the construction, by rehabilitation, in a decadent area, of decent, safe, and sanitary low and moderate income residential housing in the Project Area and the operation and maintenance thereof after rehabilitative construction is complete. Construction of this Project will partially reduce the severe housing shortage presently in evidence in the City of Boston.

3. Cost of Project. The cost of the Project has been estimated accurately thereby the Project appears feasible. The cost of the Project will be approximately one million, two hundred and twenty thousand dollars (\$1,220,000.00). The cost will be financed in part by FHA insured mortgage loan in an amount equal to ninety (90%) per cent of the Project cost, with the balance to be provided by the General and Limited partners of the Applicant, who will pay all other costs.

The Authority believes that the Redeveloper is able financially to carry out the Project. The Authority requires as part of its approval that prior to completion of the construction of the Project that Chauncy House Company not dispose of its interest in the Project without first obtaining prior written approval from the Authority.

4. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston, for the locality in which the project Area is situated.

5. Effect of the Project. The Project will not be detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structures when rehabilitated will be attractive buildings with ample light and air and appurtenant spaces; and will enhance the general appearance of the area while furnishing attractive and needed living accommodations.

The Project will involve a favorable environmental impact except for minimal noise which may accompany construction.

The carrying out of the Project will not in itself involve the destruction or rehabilitation in whole or in part of any structure presently used for dwelling purposes, nor, in any way, affect the displacement of any person, or families, from their present dwellings, as the building is currently vacant.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

6. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit B filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit B, the Authority hereby requires that the Applicant, prior to obtaining a building permit,

- 1) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate;
- 2) submit to the Authority for its review and approval such plans and specifications for the project that the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and
- 3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

7. Deviations. Exhibit C filed with and attached to the Application lists the deviations from the Boston Zoning Code, Building Code and Fire Laws on the total site in the aggregate. For the reasons set forth in the Application and supporting documents, including said Exhibit C and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other Cities that the other designs, construction,

materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit C and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

I. BOSTON ZONING CODE

Permission to deviate from the following provisions of Boston Zoning Code is hereby granted:

Permission to depart from the requirement for minimum usable open space of fifty (50) square feet per dwelling unit, as mandated by Boston Zoning Code Article 13, Section 13.4 and Article 17, Section 17-1. The Project will provide no usable open space as that term is defined in the Boston Zoning Code, and permission is requested for Applicant to deviate totally from the open space requirement in the Boston Zoning Code.

Permission to depart from the requirement imposed by the Boston Board of Appeals in its decision dated July 11, 1972 and signed September 12, 1972, that the plans "be subject to design review by the Boston Redevelopment Authority". This requirement should be eliminated since BRA design review will be a part of 121A approval.

II. BOSTON BUILDING CODE

Permission for Applicant to continue to use the exitway stairs which are currently existing in the building, including winders to meet the exitway requirements as found in Article 6 (including Section 618.4.2) of the Boston Building Code, is hereby granted.

Permission to allow occupancy to be changed from office use in a General Business B-10 district to apartment use to consist of approximately 87 dwelling units, retail business or office use on the street floor, and accessory uses, is hereby granted.

III. HEALTH LAWS.

No permission is required.

IV. FIRE LAWS.

No permission is required.

V. BUILDING LAWS.

No permission is required.

MEMORANDUM

APRIL 19, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON APPLICATION FOR APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT TO THE FORMATION OF A LIMITED PARTNERSHIP TO BE ORGANIZED UNDER THE PROVISIONS OF SAID CHAPTER 121A.

Summary: This memorandum requests that the Authority adopt a Report and Decision approving the redevelopment project and consenting to the carrying out of the project by Chauncy House Company.

A public hearing was held by the Authority on March 1, 1973, on an Application filed by Walter K. Winchester and Others for the authorization and approval of a development project under Chapter 121A of the Massachusetts General Laws, as amended, and for consent to the undertaking of the project by Chauncy House Company, a Massachusetts limited partnership.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed project to permit the attached Report and Decision approving the Project and consenting to the carrying out of the project by Chauncy House Company.

As indicated in the Application and from testimony at the hearing, this proposal calls for the rehabilitation of an already existing 11 story building located off of Chauncy and Essex Streets in the downtown area of the City. This rehabilitation will result in the provision of 87 dwelling units, of which 22 will be efficiencies and 65 will be one bedroom units. It is anticipated that the financing will be provided by an FHA insured mortgage loan under Section 236 of the National Housing Act. It is estimated that the project will cost \$1,220,000.00. There will be approximately 5,500 square feet of commercial space on the ground and basement level. The building will be purchased by the Applicant shortly

after BRA approval of the project as it is presently under a Purchase and Sale Agreement.

It is therefore recommended that, pursuant to Chapter 121A of the General Laws, as amended, that the Authority adopt the Report and Decision accompanying this Memorandum and Vote.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled "Report and Decision on Application for Approval of a Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for Consent to the Formation of a Limited Partnership to be Organized Under the Provisions of said Chapter 121A", be and hereby is approved and adopted.